THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.7191 OF 2007

Dated 10-04-2007

Between:

M/s Mallemaala Estate Private Limited …Petitioner

And

The Commercial Tax Officer and
Another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.7191 OF 2007

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O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The case of the petitioner is that during pendency of the first appeal, he filed an application for stay before the Appellate Deputy Commissioner-the second respondent, which was rejected. That order was challenged in this Court by way of a writ petition being W.P.No.3591 of 2005 and this Court granted stay subject to payment of 50% of the disputed tax. This amount was deposited by the petitioner and the first appeal was decided on merits and was dismissed. Now the petitioner has approached the Tribunal by way of another appeal. Therefore, he wants stay of recovery on the ground that 50% of the disputed tax has already been deposited by him during pendency of the first appeal. We feel that the submission is genuine, *bona fide* and fair, therefore, we dispose of the writ petition and direct that there shall be stay of recovery till disposal of the appeal by the Tribunal, as the petitioner has already deposited 50% of the disputed tax during pendency of the first appeal. No order as to costs.

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(Bilal Nazki,J)

Dated 10th April, 2007

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(Nooty Ramamohana Rao,J)

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